

Testimony of  
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Before the  
U.S. Commission on Ocean Policy  
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As the U.S. Ocean Policy Commission noted in its mid-term report, “the oceans are in trouble.” The reasons cited by the Commission include increased population and coastal development, depleted fish stocks and poor fisheries management, polluted runoff, fish contamination, degradation of important ocean and coastal habitat, and inadequate laws and polices governing the management and protection of ocean and coastal resources. This testimony offers specific recommendations to address major threats to marine ecosystems, and summarizes Oceana’s comments delivered at previous Commission meetings in Los Angeles (by Board Member Ted Danson), and Anchorage and Seattle (by Jim Ayers, Director of Oceana’s North Pacific Office).

### **Sustainable Fisheries Management**

The Commission has noted that the depletion of U.S. fish stocks continues because of poor fisheries management, and has stated that reform is needed. According to NMFS, about one-third of assessed U.S. fish stocks are overfished or are experiencing overfishing, and the status of 68% of our fish stocks are unknown. Massive fishery closures are occurring throughout U.S. waters. Millions of pounds of commercially, recreationally, and ecologically important marine species are wasted each year as bycatch, and the National Academy of Science estimates that in the last decade bottom trawling has adversely affected about 231,000 square miles of seafloor habitats in U.S. waters. We therefore urge the Commission to recommend that:

- Bycatch must be counted, capped and controlled to levels approaching zero for all U.S. fisheries, and federal regulations must establish adequate observer coverage to provide scientifically acceptable information on bycatch and quotas;
- Sensitive areas of the ocean such as essential fish habitat, deep sea corals, sponges and rocky reefs should be closed to all bottom trawling, and bottom trawling should be allowed only in those areas where it can be demonstrated it will not harm bottom habitats and marine life;
- The fishery management council system is broken and must be fixed by removing the conflict of interests between resource users and managers, by including non-user public interest representatives, and by separating conservation and allocation decisions from scientific recommendations and allowing the conservation decisions to be made by regional ecosystem councils;
- A scientifically-based network of no-take marine reserve should be mapped and set aside to maintain marine ecosystem functions, rebuild depleted fish

populations, protect sensitive habitats, and increase scientific understanding of ocean ecosystems.

### **Ocean Water Quality Protection**

According to EPA's latest water quality inventory, 51% of the nation's assessed estuarine waters, and 14% of its ocean waters are unfit for fishing and swimming. One-third of the nation's shellfish beds are harvest restricted, harmful algal blooms have doubled during the past 30 years, 71% of coastal waters are under fish contamination advisories, and beach closures and advisories are increasing. Most ocean and coastal waters are not even assessed, and there are no water quality standards in federal ocean waters 3-200 miles offshore. We therefore urge the Commission to recommend that:

- EPA should establish marine water quality standards and no discharge zones in special ocean sites in the EEZ as proposed in Executive Order 13158, and should develop water quality criteria for nutrients, PAHs, mercury and other contaminants;
- The Stockholm Treaty on Persistent Organic Pollutant (POPs) should be ratified after Congress adopts implementing legislation to allow the addition of new chemicals to the 12 POPs listed in the Treaty, and amends the Toxic Substances Control Act to allow bans on additional POP characteristic chemicals;
- Funding should be substantially increased for NOAA, USGS, and EPA's ocean and coastal water quality monitoring programs, and the monitoring and public notification programs authorized under the Beaches Environmental Assessment and Coastal Health (B.E.A.C.H.) Act;
- Enforceable and effective federal programs that deal with polluted runoff – the number one cause of water quality impairment – must be reauthorized, strengthened and funded, including the nonpoint pollution programs of the Coastal Zone Management Act and the Clean Water Act, and EPA's stormwater management and total maximum daily load programs;
- Offshore oil and gas activities should be permanently prohibited in sensitive ocean and coastal habitats.

### **Cruise Ship Pollution**

Large cruise ships generate wastes comparable to a small city. Yet EPA regulations exempt cruise ships discharges from the same Clean Water Act requirements that apply to other industrial and municipal waste dischargers. Inadequately treated sewage from marine sanitation devices, untreated gray water containing dangerous bacteria and toxic chemicals, and ballast water containing invasive species and diseases, can be discharged legally anywhere in U.S. waters (except in certain areas of Alaska, California and the Great Lakes). Raw sewage can be discharged anywhere beyond 3 miles from shore. Moreover, existing laws and regulations are disregarded and violated, evidenced by the payment of nearly \$60 million in fines and penalties during the past five years. We therefore urge the Commission to recommend that:

- Cruise ship sewage and gray water discharges should be regulated as point sources under the Clean Water Act, and be subject to the same effluent limits, monitoring, reporting and enforcement procedures that apply to other industrial and municipal waste streams;
- Ballast water discharges from cruise ship and other ocean going vessels should be controlled through mandatory ballast water exchange and treatment programs, on board or in port, to prevent invasive species from harming U.S. waters;
- Potentially hazardous waste and byproducts should be brought ashore and disposed in appropriate landfills, not the ocean;
- Cruise ships should burn low sulfur fuels and utilize onboard technologies to reduce particulate and nitrogen oxide emissions.

### **Aquaculture**

Marine finfish aquaculture is a growing industry fraught with risks to wild fish populations, fisheries and marine ecosystems from disease transmission, non-native introductions, genetic alternations, increased competition, reduced water quality, chemical use, and alteration of physical habitat. Yet gaps and deficiencies in U.S. laws create uncertainty and confusion with respect to the regulation of marine aquaculture activities. We therefore urge the Commission to recommend that:

- National standards should be established for the siting, design and operation of marine aquaculture facilities to protect the marine ecosystem; prevent the use of non-native species; minimize the use of chemical pesticides, antibiotics, fish meal and transgenic species; prevent escapes and adverse effects on wild populations; and reduce conflicts with user groups;
- Discharges from marine finfish aquaculture operations should be subject to Clean Water Act permitting requirements and effluent guidelines to address nutrient, chemical, pathogen, and parasitic discharges;
- A moratorium should be placed on locating new or expanding existing finfish aquaculture operations in the marine environment until such standards are established.

### **Beach Protection**

America's beaches are rapidly disappearing behind seawalls and other erosion control devices that impede public access and destroy important beach habitat. Nationally, about 25% of homes and other structures within 500 feet of the shore will fall victim to erosion within the next 60 years according to the Heinz Center. As coastal development increases, federal construction and flood insurance programs work perverse incentives that actually encourage development in hazardous and eroding coastal areas. We therefore urge the Commission to recommend that:

- The National Flood Insurance Program should be reformed to set premiums that reflect the true risk of coastal hazards, deny coverage for new development in

- environmentally sensitive or high risk coastal areas, and phase out coverage of repetitive risk coastal properties;
- The beach nourishment and armoring programs of the Army Corps of Engineers should be reformed to protect natural beach ecosystems and coastal habitats;
  - The Coastal Barrier Resources System should be strengthened and expanded to prohibit federal funding for new development in hazardous coastal areas on the West coast as well as barrier islands along the East and Gulf coasts.

## **Ocean Governance**

The Commission's mid-term report notes that there is no coordinated, comprehensive strategy to manage our ocean resources, and that piecemeal and single issue oriented marine resource policies have resulted in uncoordinated and conflicting mandates. We therefore urge the Commission to recommend that:

- Congress should enact a National Ocean Policy Act that establishes standards to protect, maintain and restore marine biodiversity and ecosystems, require the sustainable use of marine resources based upon the precautionary approach, and develop regional ecosystem plans to protect the marine environment and guide state and federal actions;
- An independent, cabinet level Oceans Agency should be established to implement the National Oceans Policy Act, and consolidate the functions of federal agencies with ocean responsibilities;
- The U.S. should press for prompt and effective international implementation of the commitments to which the U.S. and other governments agreed at the World Summit on Sustainable Development in Johannesburg, South Africa on September 4, 2002, undertake specific actions to accomplish the agreed Plan of Implementation, and establish a process for ongoing monitoring of progress to carry out the Plan.